



# Town of Freetown

## NOTICE TO FREETOWN RESIDENTS

The Attorney General's Office has submitted a decision of **approval of warrant Articles 15, 16, 17 & 18** that was accepted by the voters at the June 6<sup>th</sup> Annual Town Meeting with additional comments on Article 18. The following is a description of those articles:

- ***ZONING BY-LAWS:***

**Warrant Article 15** – To *amend*, **Article 11, Sec. 11.23 Site Plan Review** by deleting it in its entirety and inserting new text.

**Warrant Article 16** – To *amend*, **Article 11, Sec. 11.31 Off-Street Parking and Loading Regulations** by adding text and to also include new section in the Zoning By-Laws Outline.

**Warrant Article 17** – To *amend*, **Article 11, Sec. 2 Definitions** to include definitions for "Gross Floor Area", "Landfill", and "Parking Bay".

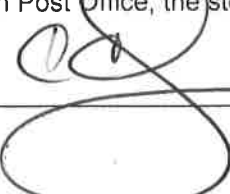
**Warrant Article 18** – To *amend*, **Article 11, Sec. 11.18 Zoning Districts (I) Table of Use Regulations** by inserting "Landfill" in the table

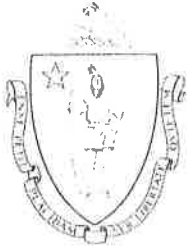
As required by MA General Law, a Constable is posting the approval in the designated areas within town. The approval can also be viewed on the town website.

09/21/, 2016

To the Town Clerk, Freetown, MA

I have this day posted attested copies of this warrant thereof at the following locations: in Assonet- the Assonet Post Office, Junior's Convenience Store and the Freetown Town Hall; in East Freetown – the East Freetown Post Office, the store of Quick Pic and the Freetown Communication Center.

  
\_\_\_\_\_, Constable



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

September 19, 2016

Jacqueline A. Brown, Town Clerk  
Town of Freetown  
P.O. Box 438  
Freetown, MA 02702

RECEIVED  
FREETOWN TOWN CLERK

2016 SEP 19 AM 11:45

RE: Freetown Annual Town Meeting of June 6, 2016 - Case # 8062  
Warrant Articles # 15, 16, 17, and 18 (Zoning)

Dear Ms. Brown:

Articles 15, 16, and 17 - We approve Articles 15, 16, 17, and 18 from the Freetown June 6, 2016, Annual Town Meeting. Our comments on Article 18 are provided below.

Article 18 - Article 18 amends the Town's Table of Use Regulations ("Table") by inserting a new line for "landfills" and inserting a "N" under all the zoning district columns, including the Industrial "I" and "I/2" Districts. As amended, the Table prohibits landfills in all of the Town's zoning districts.

General Laws Chapter 40A, Section 9, establishes that solid waste disposal facilities are allowed by right in industrial zones in certain circumstances as follows:

A facility, as defined in section one hundred and fifty A of chapter one hundred and eleven, which has received a site assignment pursuant to said section one hundred and fifty A, shall be permitted to be constructed or expanded on any locus zoned for industrial use unless specifically prohibited by the ordinances and by-laws of the city or town in which such facility is proposed to be constructed or expanded, in effect as of July first, nineteen hundred and eighty-seven; provided, however, that all permits and licenses required by law have been issued to the proposed operator. A city or town shall not adopt an ordinance or by-law prohibiting the siting of such a facility or the expansion of an existing facility on any locus zoned for industrial use, or require a license or permit granted by said city or town, except a special permit imposing reasonable conditions on the construction or operation of the facility, unless such prohibition, license or permit was in effect on or before July first, nineteen hundred and eighty-seven; provided, however, that a city or town may adopt and enforce a zoning or non-zoning ordinance or by-law of general application that has the effect of prohibiting the siting or expansion of a facility in the following areas: recharge areas of surface drinking water supplies as shall be reasonably defined by rules and regulations of the department of environmental protection, areas subject to section forty of chapter one hundred and thirty-one, and the regulations promulgated thereunder; and areas within the zone of contribution of existing or potential public supply wells as defined by said department. No special permit

authorized by this section may be denied for any such facility by any city or town; provided, however, that a special permit granting authority may impose reasonable conditions on the construction or operation of the facility, which shall be enforceable pursuant to the provisions of section seven.

General Laws Chapter 111, Section 150A defines a "facility" as follows:

"Facility", a sanitary landfill, a refuse transfer station, a refuse incinerator rated by the department at more than one ton of refuse per hour, a resource recovery facility, a refuse composting plant, a dumping ground for refuse or any other works for treating, storing, or disposing of refuse.

General Laws Chapter 40A, Section 9, precludes Towns from adopting by-laws prohibiting the siting or expansion of solid waste facilities on land zoned for industrial use. However, any by-law that specifically prohibited landfills before July 1, 1987, remains valid. Based on materials submitted to us by Town Counsel, the Town voted under Article 5 at its March 9, 1987, Annual Town Meeting to amend its zoning by-laws to prohibit "the operation of a private or commercial dump or sanitary landfill, refuse transfer station, refuse incinerator or compacting or treatment station" in the Town. Article 5 was approved by this Office in a decision dated June 24, 1987. The vote under Article 5 was taken prior to July 1, 1987, and is consistent with the provisions of G.L. c.40A, § 9, par. 20. The by-law adopted under Article 18 at the 2016 Annual Town Meeting appears intended to implement the prior vote by adding to the Town's Table the prohibition enacted on March 9, 1987. For this reason, we approve Article 18 as consistent with G.L. c. 40A, 9.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,  
MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

By: Kelli E. Gunagan  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

cc: Town Counsel Mark R. Reich



## Town of Freetown

### TOWN MEETING ACTION Article 15- ATM 6/6/2016

**ARTICLE 15:** To see if the Town will vote to amend the Town of Freetown Protective By Laws, Article 11 Zoning by Laws by deleting Section 11.23 in its entirety and inserting in place therefore a new Section 11.23 Site Plan Review, the text of which is as on file in the Office of the Town Clerk and the Planning Board; further, to amend the Town of Freetown Protective By-Laws, Article 11 Zoning By-Laws Outline, to include this section; and further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format; and/or take any action relative thereto.

Submitted by Planning Board

Requires 2/3 Vote

*Explanation: This would replace the existing Site Plan Review Bylaw with more comprehensive information; thresholds are now established for different levels of review, clarifications have been made related to procedure and approval, and a design standard has been implemented.*

The Finance Committee has no recommendation. The Board of Selectmen recommends. The Planning Board Chairman, Keven Desmarais declares the Planning Board recommends the article. The Site Plan Review and Special Permit are different and this will allow them to get a little more intricate and things will be clearer for the applicants. This has taken a year to a year and a half to prepare with SRPEDD and is a good article.

Motion made and seconded to approve the article as read.

Vote: Adopted unanimously.



A true copy

Attest:

*Jacqueline A. Brown*  
Jacqueline A. Brown, MMC/CMMC  
Town Clerk/Freetown



# Town of Freetown

## TOWN MEETING ACTION Article 16- ATM 6/6/2016

**ARTICLE 16:** To see if the Town will vote to amend the Town of Freetown Protective By-laws, Article 11 Zoning By-laws, by adding new Section 11.31 Off-Street Parking and Loading Regulations, the text of which is as on file in the Office of the Town Clerk and the Planning Board; further, to amend the Town of Freetown Protective By-laws, Article 11 Zoning By-laws Outline, to include this new Section 11.31; and further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format; and/or take any action relative thereto.

Submitted by Planning Board                      Requires 2/3 Vote

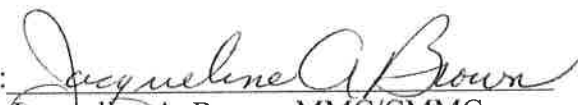
***Explanation: This would implement a standard and guidelines for parking in Town.***

The Finance Committee has no recommendation. The Board of Selectmen recommends. The Planning Board Chairman, Keven Desmarais states that SRPEDD has been after them for this by-law and would create clarification for businesses. The board recommends.

Motion made and seconded to approve the article as read.

Vote: Adopted Unanimously

A true copy,  
Attest:

  
Jacqueline A. Brown, MMC/CMMC  
Town Clerk/Freetown





# Town of Freetown

## TOWN MEETING ACTION Article 17 - ATM 6/6/2016

**ARTICLE 17:** To see if the Town will vote to amend the Town of Freetown Protective By-laws, **Article 11 Zoning By-laws, Section 2 Definitions** to include definitions for "Gross Floor Area", "Landfill", and "Parking Bay". A copy of the proposed changes to the Town of Freetown Protective By-laws may be viewed at the office of the Town Clerk, Freetown Town Hall, 3 North Main Street, Assonet, MA.

And/or take any action relative thereto.

Submitted by Planning Board

Requires 2/3 Vote

***Explanation:** This article updates the definitions section to clarify language included elsewhere in the bylaw.*

The Finance Committee has no recommendation. The Board of Selectmen recommends. The Planning Board Chairman, Keven Desmarais states that there is a need for definitions when by-laws are created and the Planning Board recommends the article.

Motion made and seconded to approve the article as read.

Vote: Adopted unanimously.

A true copy,

Attest:

*Jacqueline A. Brown*

Jacqueline A. Brown, MMC/CMMC

Town Clerk/Freetown





# Town of Freetown

## TOWN MEETING ACTION Article 18 - ATM 6/6/2016

**ARTICLE 18:** To see if the Town will vote to amend the Town of Freetown Protective By-laws, **Article 11 Zoning By-laws, Section 11.18 Zoning Districts (I) Table of Use Regulations** by inserting "Landfill" in the table as follows:

**See proposed addition to the table of use regulations below**

Use	R	B	I	I/2	G	OSR	VR	VB
Landfill	N	N	N	N	N	N	N	N

And/or take any action relative thereto.

Submitted by Planning Board

Requires 2/3 Vote

***Explanation: This article would prohibit the operation of a landfill facility in Freetown.***

The Finance Committee has no recommendation. The Board of Selectmen recommends. The Planning Board Chairman, Keven Desmarais proclaims that there has been a by-law on record since 1987 showing a Table of Use Regulations. Landfills are not on the table and they are therefore recommending the addition.

Motion made and seconded to approve the article as read.

Vote: Adopted unanimously.

A true copy,  
Attest:

*Jacqueline A. Brown*  
Jacqueline A. Brown, MMC/CMMC  
Town Clerk/Freetown

